

Application Number 20/00823/FUL

Proposal	Full planning permission to vary condition 2 attached to planning consent 12/00466/FUL to increase the amount of convenience goods that can be sold from units 3 and 4 within the overall retail development.
Site	Units 3 and 4, Crownpoint Shopping Centre, Denton
Applicant	Pillar Denton Ltd
Recommendation	Approve planning permission.
Reason for Report	A Speakers Panel decision is required because the application affects conditions attached to a planning permission for major development.

1.0 APPLICATION DESCRIPTION

- 1.1 The applicant seeks full planning permission for the variation of condition 2 attached to planning consent 12/00466/FUL to increase the amount of convenience goods that can be sold from units 3 and 4 within the overall retail development
- 1.2 Condition 2 of that planning permission currently states the following: 'The maximum gross floor area shall not exceed 19,430 square metres of which no more than 1,500 square metres shall be dedicated to the sale and display of convenience goods which term comprises food, alcoholic drink, tobacco, matches, soap and other cleaning materials.'
- 1.3 The reason for the condition is stated on the decision notice as 'In the absence of a Traffic Assessment suggesting to the contrary, such a use would have too great an impact on off-site highway provision.'
- 1.4 The applicant proposes to amend the condition to the following wording: The maximum gross floor area shall not exceed 19,430 square metres. With the exception of Units 3 and 4, no more than 1,500 square metres shall be dedicated to the sale and display of convenience goods which term comprises food, alcoholic drink, tobacco, matches, soap and other cleaning materials.
- 1.5 In light of the reason given for the imposition of the original condition, the applicant has submitted a Transport Assessment with the application.

2.0 SITE & SURROUNDINGS

- 2.1 Crownpoint Shopping Park is located within Denton town centre. The shopping park is bounded to the north by Russell Scott Primary School, the A6017 Ashton Road to the east, the M67 motorway to the south and industrial uses to the west off Taylor Lane. It is an established retail destination and forms an important part of Denton's overall shopping offer. There are a range of retailers located at the Park including Boots, Sports Direct, H&M, New Look, Poundland and TK Maxx.
- 2.2 The units to which this application relates are located in the south western corner of the retail park.
- 2.3 The scheme will involve the loss of approximately 500 square metres of floorspace from the units through the removal of a mezzanine floor.

3.0 PLANNING HISTORY

- 3.1 12/00466/FUL - Amendment to condition 04 attached to planning consent 09/00486/FUL to allow Class A2 uses - approved 25 June 2012.
- 3.2 09/00486/FUL - Removal of condition 5a, 5b, 5c and 5d and amendment of condition 27 attached to planning consent 99/P/0445/OL - approved 12 April 2010.
- 3.3 99/P/0445/OL was the application ref. given to the original consent that established the use of the land for a retail park.

4.0 RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation:

The site is allocated within Denton Town Centre on the UDP proposals map.

4.2 Part 1 Policies

Policy 1.5: Following the Principles of Sustainable Development
Policy 1.6: Securing Urban Regeneration; and
Policy 1.7: Supporting the Role of Town Centres.

4.3 Part 2 Policies

S1: Town Centre Improvements;
S2: New Retail Developments in Town Centres;
C1: Townscape and Urban Form
MW11: Contaminated Land
MW12: Control of Pollution
MW14 Air Quality
N3: Nature Conservation Factors
OL10: Landscape Quality and Character
T1: Highway Improvement and Traffic Management.
T10: Parking
T11: Travel Plans
T13: Transport Investment

4.4 Other Policies

Greater Manchester Spatial Framework - Publication Draft 2019.

The Greater Manchester Combined Authority (GMCA) has consulted on the draft Greater Manchester Spatial Framework Draft 2019 ("GMSF") which shows possible land use allocations and decision making policies across the region up to 2038. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation which is subject to unresolved objections

4.5 National Planning Policy Framework (NPPF)

Section 2: Achieving Sustainable Development;
Section 7: Ensuring the vitality of town centres;
Section 8: Promoting healthy and safe communities;
Section 11: Making Effective use of Land;
Section 12: Achieving well-designed places;

4.6 Planning Practice Guidance (PPG)

- 4.7 This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

5.0 PUBLICITY CARRIED OUT

- 5.1 Neighbour notification letters were issued and a notice displayed adjacent to the site for 21 days, in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement.

6.0 RESPONSES FROM CONSULTEES

- 6.1 Highways England – raises no objections to the proposals, with no conditions considered to be necessary.
- 6.2 Local Highway Authority (LHA) – initially raised some concerns about the assumptions regarding the queuing of traffic at peak times at the main junction in to Crownpoint shopping centre, lack of detail in relation to the number of trips generated by the existing development and the specific measures to be implemented to encourage trips by sustainable modes of transport. Following the submission of additional information, the LHA has not raised any objections to the proposals, subject to a financial contribution towards the upgrading of cycle and pedestrian facilities on the locality, to enhance the proportion of the additional trips to the site being made by sustainable modes of transport.
- 6.3 Transport for Greater Manchester (TfGM) – initially raised some concerns about the assumptions regarding the queuing of traffic at peak times at the main junction in to Crownpoint shopping centre, lack of detail in relation to the number of trips generated by the existing development and the specific measures to be implemented to encourage trips by sustainable modes of transport. Following the submission of additional information, TfGM has not raised any objections to the proposals, subject to the applicant agreeing to fund the recalibration of the Split Cycle Offset Optimisation Technique at the junction into the retail park, to improve cycle access.
- 6.4 Borough Environmental Health Officer (EHO) - raises no objections to the proposals, with no conditions considered to be necessary.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 A letter of objection has been received from the operator of a convenience store within the vicinity of the site. The objection raises concerns about the impact of an additional unit being able to sell convenience goods from a floor space in excess of the existing controls on the viability of smaller operators within the town centre. The development could lead to a reduction in the vitality of the town centre as a result.

8.0 ANALYSIS

- 8.1 National Planning Practice Guidance promotes flexible options for planning permissions. Section 73 of the Town and Country Planning Act 1990 allows for applicants to apply to the Local Planning Authority to amend or vary conditions placed on a planning consent. Where

an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. The only restriction under section 73 is that planning permission cannot be granted to extend the time limit within which a development must be started.

- 8.2 NPPG advises that; 'In deciding an application under section 73, the local planning authority must only consider the disputed condition's that are the subject of the application – it is not a complete re-consideration of the application.' The original planning permission will continue to exist.
- 8.3 The principle of development was established through the granting of planning permission ref. 99/P/0445/OL, which has been revised by the subsequent permissions referred to in Section 3 of this report.
- 8.4 The key issues to be assessed in the determination of this planning application are:
 - 1) The principle of development
 - 2) The impact of the proposals on highway safety
 - 3) Any impact on the character of the area

9.0 PRINCIPLE OF DEVELOPMENT

- 9.1 The retail development of which this site forms a part is allocated within Denton Town Centre as defined by the UDP proposals map. This is a key consideration in the assessment of the principle of the proposal and an important change to the planning circumstances of the site from the time that the development was originally granted planning permission. At that time, the land was considered to be an edge of centre, as opposed to a town centre location.
- 9.2 Section 7 of the NPPF is entitled ensuring the vitality of town centres. Paragraph 85 of the NPPF states that 'Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.'
- 9.3 The proposal seeks to modify an existing retail use. Such uses are included in the definition of main town centre uses detailed in the NPPF and paragraph 86 states that:

'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'
- 9.4 The proposed increase in the amount of floorspace to be devoted to the sale of convenience goods in a locally defined town and would therefore accord with national planning policy set out above in terms of a suitable location for any retail development. It is therefore considered that a sequential test is not required to demonstrate the acceptability of the proposed development. Likewise, as the site is within a defined town centre boundary, an Impact Assessment in relation to the impact of the development on the vitality and viability of existing town centre uses is not required.
- 9.5 Following the above assessment, the principle of development is considered to be acceptable, subject to all other material considerations being satisfied.

10.0 HIGHWAY SAFETY

- 10.1 As stated previously, the reason for the imposition of a condition restricting the amount of floorspace for the sale of convenience goods across the development was based on the lack of a Transport Assessment (TA) to inform the original planning application for the Crownpoint development.
- 10.2 The TA indicates that traffic surveys were conducted in the locality of the site on 2 occasions in February 2020. The surveys covered both the morning and evening peak periods as well as Saturday afternoon and assessed traffic flows Ashton Road junctions with Worthington Way, the M67 off-slip and Lance Corporal Andrew Breeze Way.
- 10.3 The TA then uses TRICS modelling to anticipate the impact of the proposed development. The model compares the impact of the consented scheme and then makes assumptions on the change in traffic volumes when factoring in proposal to increase in the amount of floorspace for the sale of convenience goods, as per the proposed development.
- 10.4 During the morning peak period, the TA anticipates that the number of trips to the site would increase by 40 (from 20 in the consented scheme to 60 in the proposed scheme), according to the modelling data. Trips from the site during this period would increase from 13 in the consented scheme to 52 in the proposed scheme.
- 10.5 There would be 56 additional arrivals and an additional 60 departures from the site during the evening peak period when the proposed scheme is compared to the extant situation. There would be 35 additional trips to the site and 44 departures during the Saturday peak period when comparing the proposed development to the existing situation, according to the TRICS modelling.
- 10.6 The assumptions in relation to the anticipated increase in trip levels to and from the site as a result of the proposed development are considered to be reasonable by both the Local Highway Authority and TfGM in their response to the application.
- 10.7 TfGM initially raised some concerns about the assumptions regarding the queuing of traffic at peak times at the main junction in to Crownpoint shopping centre, a lack of detail in relation to the number of trips generated by the existing development and the specific measures to be implemented to encourage trips by sustainable modes of transport. Following the submission of additional information, TfGM has not raised any objections to the proposals, subject to the applicant agreeing to fund the recalibration of the Split Cycle Offset Optimisation Technique at the junction into the retail park, to improve cycle access. This contribution can be secured via a Section 106 Agreement.
- 10.8 The Local Highway Authority raised the issue of the level of both car and cycle parking provision on the site and following the receipt of further information from the applicant in this regard, raise no objections to the proposals in relation to parking capacity. The applicant has indicated that approximately 20 of the cycle parking spaces within the Crownpoint development are located within close proximity of the units that are the subject of this planning application. It is considered that a condition requiring further facilities in this regard should be secured by condition, to encourage the modal shift away from the private car for trips to the site.
- 10.9 Given the assumptions in the TA regarding the increased volume of traffic visiting the site and the views expressed by both TfGM and the LHA regarding the impact on the flow of the main junction into the site, officers are of the view that mitigation is required to ensure that there is a modal shift away from the use of the private car to prevent a detrimental impact on the functioning of the highway.
- 10.10 A Travel Plan has been submitted during the course of the application which indicates how sustainable modes of transport will be promoted to staff. The proposals to present this information to customers is noted but given the volume of additional trips to be generated by

the development at peak times, it is considered that further mitigation measures are required to offset the impact of the development.

- 10.11 The LHA has confirmed that there is a programme of improvement works to the Crownpoint junction that has been developed as part of the Mayors Challenge Fund. The works involve enhancement to the use of the junction by cyclists. This scheme would be directly related to the proposed development, as the use of the junction would intensify as a result of the proposed development.
- 10.12 Securing a contribution to this scheme would therefore meet the tests of the CIL regulations as it would be necessary to mitigate the impact of the development. This would allow any funding secured from the Mayors Challenge Fund to be allocated to the wider project identified for improvements to cycle and pedestrian facilities across Denton. A contribution of £20,000 is considered to be reasonable and can be secured through a Section 106 Agreement. The level of contribution balances the anticipated increase in trip generation with the fact that the scheme would also result in the loss of 500 square metres of existing sales floorspace.
- 10.13 Subject to the financial sums identified above being secured, it is considered that the proposals would secure adequate mitigation to offset the potential highway safety impacts of the proposed development.

11.0 CHARACTER

- 11.1 This application would allow the site to continue as a commercial premises within a retail park. In that respect, the development would not result in an adverse impact on the character of the area. The physical works associated with the establishment of a store with a larger area of floorspace for the sale of convenience goods are the subject of concurrent planning application ref. 20/00824/FUL.

12.0 OTHER MATTERS

- 12.1 The majority of the conditions attached to the original planning permission remain relevant and are therefore attached to the recommendation for this variation of condition application.
- 12.2 The Borough EHO has not raised any objections to the proposals and it is considered that the scheme would not result in any adverse impact on the amenity of neighbouring uses, given the commercial character of the surrounding area and the extant use of the two units that are the subject of this application.

13.0 CONCLUSION

- 13.1 The principle of development is considered to be acceptable, with the fact that the site is now located within an allocated Town Centre being a key material consideration. Whilst an objection has been received which raises concerns regarding the impact of the development on the vitality and viability of the town centre, a food store should not be treated differently from any other retail use in this regard. National planning policy is clear that retail uses are appropriate in a town centre and therefore there is no planning based justification for requiring either a sequential test or a retail impact assessment.
- 13.2 The main impact is considered to be the highway safety implications of the proposals. Despite the loss of 500 square metres of floorspace through the removal of an existing mezzanine level within the units, the TA submitted with the application projects a relatively significant increase in trips to and from the site during peak periods. To mitigate the impact

of the development in this regard, it is considered that financial contributions towards the upgrading of the main junction in to the Crownpoint site are required, as outlined in the main body of the report.

- 13.3 Subject to this mitigation being secured, there are no objections from any of the statutory consultees and the proposals are considered to accord with the national and local planning policies quoted above.

RECOMMENDATION

Grant planning permission, subject to a Section 106 Agreement securing the following:

- a. £20,000 towards a programme of improvement works to the Crownpoint junction; and
- b. £5,000 to fund the recalibration of the Split Cycle Offset Optimisation Technique at the junction into the retail park;

And the following conditions:

1. The maximum gross floor area shall not exceed 19,430 square metres. With the exception of Units 3 and 4, no more than 1,500 square metres shall be dedicated to the sale and display of convenience goods which term comprises food, alcoholic drink, tobacco, matches, soap and other cleaning materials.
2. The maximum gross floor area shall not exceed 19,430 square metres of which no more than 2,530 square metres shall be dedicated to the sale and display of bulk goods and DIY.
3. There shall be no Post Office on the site.
4. The car parking, servicing and turning facilities within the site shall be kept unobstructed and available for their intended purposes. Vehicles shall be able to enter and leave the site in forward gear at all times
5. Prior to being discharged into any watercourse, surface water or soakaway system, all surface water drainage from impermeable parking areas, roadway and hardstandings for vehicles, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
6. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of the interconnected tanks plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
7. Notwithstanding the details submitted with the planning application, prior to the first use of the site for the development hereby approved, details of additional secured cycle storage to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The secured cycle storage shall be provided in accordance with the approved details, prior to the first use of the site for the development and shall be retained free from obstruction for their intended use at all times thereafter.

8. The measures to encourage sustainable travel and the monitoring measures included within the Travel Plan submitted with the planning application shall be implemented on first occupation of the building for the development hereby approved. The monitoring measures shall be retained in force thereafter.